

**CITY OF SHOREVIEW
MINUTES
REGULAR CITY COUNCIL MEETING
March 15, 2010**

CALL TO ORDER

Pursuant to due call and notice thereof, a regular meeting of the Shoreview City Council was called to order by Mayor Martin on March 15, 2010, at 7:00 p.m.

PLEDGE OF ALLEGIANCE

The meeting opened with the Pledge of Allegiance to the flag.

ROLL CALL

The following members were present: Mayor Martin; Councilmembers Huffman, Wickstrom and Withhart.

Councilmember Quigley was absent.

APPROVAL OF AGENDA

MOTION: by Councilmember Huffman, seconded by Councilmember Withhart to approve the March 15, 2010 agenda as submitted.

VOTE: Ayes - 4 Nays - 0

PROCLAMATIONS AND RECOGNITIONS

There were none.

CITIZEN COMMENTS

Mrs. Linda Sharkey, 4965 Hanson Road, stated that turkeys have moved to the south shore of Turtle Lake. They are on roofs and are taking over. A parade of 22 went up Oakridge Avenue and down to the lake. By next year there will be 70 or 80.

Mayor Martin responded that one of Mrs. Sharkey's neighbors also reported the number of turkeys in the neighborhood. That neighbor believes someone is feeding them. The best thing that can be done is to talk to anyone who is feeding them, which encourages their gathering in large numbers.

COUNCIL COMMENTS

Mayor Martin:

Mayor Martin relayed a message to Councilmember Quigley from his granddaughters, Maya, Grace, Brit and Katie. Their message is, “Get well soon, Grandpa.” We all wish Councilmember Quigley a speedy recovery.

A reminder to everyone to fill out the census form and send it back. The census will affect the number of congressional seats for Minnesota and federal dollars that will come for everything from human services to health care, roads and transportation. It is important that Shoreview receive its share of federal dollars.

The Sister City Association’s Annual German Dinner will be at Gaust Haus in Stillwater. The cost is \$30.00. Reservations are still being taken.

The Penny Pincher Thrift Store of Northwest Youth and Family Services is collecting formal wear for prom goers. A fashion show is also planned. All donations must be turned in by March 20, 2010.

On April 17, 2010, the Shoreview Northern Lights Variety Band will have its spring concert. There will be pre-concert social at 5:30 p.m. with live music. The cost is \$10.00 in advance or \$12.00 at the door.

Councilmember Withhart:

Shoreview Cleanup Day is Saturday, May 1, 2010. This year the location will be moved to the Ramsey County Public Works facility in Arden Hills on Highway 96. Information will be available on the City website.

He and Mayor Martin serve on the Shoreview Community Foundation, which is in the process of soliciting non-profit organizations in the City for worthy projects. More information is on the Shoreview Community Foundation website.

Councilmember Wickstrom:

The next EQC monthly presentation will be Wednesday, March 17, 2010. The topic is entitled *Is My Lake Healthy?*

The Shoreview Green Community award program is on the City website. This year the application has been condensed to one page and is easy to fill out. She encouraged anyone interested to apply.

CONSENT AGENDA

Councilmember Wickstrom amended the third paragraph on page 5 of the March 1, 2010 City Council minutes. The following sentence was added at the end of the paragraph, “Ms. Nordine stated that any work done during that time was done without a permit.”

MOTION: by Councilmember Wickstrom, seconded Councilmember Huffman to adopt the consent agenda of March 15, 2010, approving the necessary motions and resolutions:

1. March 1, 2010 City Council Meeting Minutes as amended
2. Receipt of Committee/Commission Minutes
Economic Development Authority - February 8, 2010
3. Monthly Reports:
 - Administration
 - Community Development
 - Finance
 - Public Works
 - Park and Recreation
4. Verified Claims in the Amount of \$784,556.38
5. Purchases
6. Resolution Calling for Public Hearing - Modification of Municipal Development District No. 2

PUBLIC HEARING

UTILITY EASEMENT VACATION - 4532 BRIDGE COURT

Presentation by Public Works Director Mark Maloney

In 1995, the City acquired a utility easement for storm sewer south of Highway 96, across from the Shoreview Mall in the Bridge Street Court area. A typographical error was recently discovered which means the storm sewer structure is not in the easement owned by the City. The Council is being asked to vacate the easement and execute a new easement agreement for the storm sewer to clear up any title issues. The property owner involved is agreeable to this action.

A public hearing is needed to vacate an easement. The affidavits of publication for mailing indicate that all neighboring properties have been notified. No comments were received.

Mayor Martin opened the public hearing at 7:15 p.m. There were no comments.

MOTION: by Councilmember Wickstrom, seconded by Councilmember Huffman to close the public hearing at 7:15 p.m.

ROLL CALL: Ayes - 4 Nays - 0

MOTION: by Councilmember Withhart, seconded by Councilmember Wickstrom to adopt Resolution No. 10-23 vacating the easement located on the property of 4532 Bridge Court, dated August 18, 1995 and recorded at Ramsey County as Document No. 2884468.

ROLL CALL: Ayes: Huffman, Wickstrom, Withhart, Martin
 Nays: None

GENERAL BUSINESS

APPROVAL OF WIRELESS TELECOMMUNICATIONS FACILITY PERMIT - SITZER PARK

Presentation by Asst. City Manager/Community Development Director Tom Simonson

Clearwire is installing wireless internet service and developing a network throughout the metropolitan area. Clearwire has applied for a Telecommunications Facility Permit and is proposing to replace the 50-foot light pole in Sitzer Park with a 75-foot monopole with ground equipment. The new monopole would be at the northwest corner of the hockey rink and would accommodate the lights for the rink.

Sitzer Park is in a residential R-1 District and also falls in the telecommunications overlay district, which means this use is allowed. There is an existing monopole at the southeast corner of the hockey rink that was approved several years ago. Antennas on the new pole would not be seen. They will be installed on the interior of the pole, which is 32 inches in diameter to accommodate them. The cabinet equipment will be at the base of the pole. The cabinet is 6 feet high with conduit facilities. All will be screened. The hockey lights that serve the rink will be relocated at 50 feet in height on the new monopole.

The proposal complies with the city's adopted standards and FCC standards. It allows for co-location of the hockey lights at 47 feet. No interference with public safety communications is anticipated, and there will be no power generator.

The Park and Recreation Commission reviewed the application. The concrete pad for the ground equipment will minimize maintenance, and the Commission appreciated the added conifers west of the monopole along Hodgson Road. The Telecommunications and Technology Committee also reviewed the proposal and supports the increased competition in the City for this market. The Planning Commission review focused on the height of the pole, co-location, landscaping and screening. The application was recommended for approval on a 5 to 1 vote.

The City's consultant engineer concurred with Clearwire regarding site coverage and the need for the 75-foot height. No emissions hazards or adverse RF interference, including safety channels, is anticipated.

Property owners within 350 feet were notified. Three comments were received expressing concerns about screening of ground equipment.

The site lease will be an initial 5-year term with three 5-year renewal periods for a 10' x 10' lease area. The annual rent will be \$18,000 with a 5% annual escalator. The funds will go into the Park Improvement Fund.

Mayor Martin opened the discussion to public comment. There was none.

Mayor Martin explained that there are three primary reasons why the City is approving these structures in parks. The first is that the City is required to allow the structures in designated places under the FCC. It is a benefit to all in providing coverage for cell phones and the internet. Secondly, when the structures are put in parks, the City receives the lease revenue which helps the park fund. The last reason is that location in parks gives the City a lot more control over location and appearance. While there are people who prefer they not be in parks, there are good reasons for this location.

Councilmember Withhart stated that the monopoles replaced two light poles. There would be poles at these locations anyway.

MOTION: by Councilmember Wickstrom, seconded by Councilmember Huffman to approve the Wireless Telecommunications Facility Permit (WTFP) applications for Clearwire Legacy to install a 75-foot monopole and equipment within a leased area at Sitzler Park, 4344 Hodgson Road, and to authorize the execution of the ground lease for this site, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Wireless Telecommunications Facility Permit application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
3. This approval is contingent upon the City Council authorizing the lease with Clearwire Legacy LLC, including the 10 by 10 foot monopole and equipment site, and easements for access and utilities.
4. The monopole height, including antennae, shall not exceed 75 feet above existing ground level.
5. The conduit from the equipment cabinet to the monopole shall be routed underground.

6. The site is subject to confirmation that RF emissions conform to FCC requirements. Clearwire shall notify the City when the system is installed, prior to operation. A City selected RF engineer shall be provided access to the site to test RF emissions.
7. The landscape plan shall be revised to include additional conifers along the west park boundary subject to field verification and approval of the Building and Grounds Superintendent prior to the installation of the landscaping. A landscape surety shall be submitted to insure the installation of the landscape materials.
8. Upon completion of construction of the WTF, vehicle access for normal maintenance shall be limited to the parking area, unless otherwise approved by the Building and Grounds Superintendent.
9. The installation of the concrete pad shall be subject to field verification and approval of the Building and Grounds Superintendent prior to the installation of the concrete pad.
10. A permanent emergency power generator shall not be installed on the site. Temporary emergency power generation shall occur on-site only after power outages of 4 or more hours. Clearwire shall notify the City if emergency power is needed to operate the Wireless Telecommunications Facility.
11. The applicant shall enter into a Wireless Telecommunications Facility Agreement with the City.

This approval is based on the following findings:

1. It is located in the TOD-2 where monopoles with a maximum 75-foot height are a permitted use.
2. It complies with the adopted City standards, as specified in Section 207.040 of the Municipal Code.

ROLL CALL: Ayes: Wickstrom, Withhart, Huffman, Martin
 Nays: None

ADJOURNMENT

MOTION: by Councilmember Huffman, seconded by Councilmember Withhart to adjourn the meeting at 7:30 p.m. on March 15, 2010.

ROLL CALL: Ayes - 4 Nays - 0

Mayor Martin declared the meeting adjourned.

THESE MINUTES APPROVED BY COUNCIL ON THE 5th DAY OF APRIL 2010.

Terry C. Schwerm
City Manager